

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FEDJA ROCHLING, M.D.,

Case No 8:10-CV-00302

Plaintiff,

VS.

**PLAINTIFF'S MOTION TO
SUPPLEMENT THE
ADMINISTRATIVE RECORD**

DEPARTMENT OF VETERANS AFFAIRS, ERIC K. SHINSEKI, in his official capacity as the Secretary for the Department of Veterans Affairs, the DEPARTMENT OF HEALTH AND HUMAN SERVICES and KATHLEEN SEBELIUS, in her official capacity as the Secretary for the Department of Health and Human Services,

Defendants.

COMES NOW Plaintiff, Fedja Rochling, M.D., and pursuant to this Court's Scheduling Order (Filing No. 22) moves this Court to permit appropriate additional discovery allowable under a de novo standard of review of the decision-making by the Veterans Administration ("VA"). Plaintiff further moves this Court to supplement the Administrative Record filed by Defendants in this matter (Filing Nos. 24, 26, 27, 28, 29, 30) to include the documents attached the Index of Evidence submitted herewith. Plaintiff further moves to supplement the record with: 1) the VA's documentation that articulates the findings upon which the VA's decision to settle the claim against it and determination that the settlement was for the sole benefit of Dr. Rochling; and 2) documentation that permits the court to determine whether the VA or DHHS followed their own policies and procedures in making their determinations.

WHEREFORE, Plaintiff Fedja Rochling, M.D., respectfully requests this Court to issue an order allowing additional discovery, supplementing the administrative record to include the

documents found at Exhibit A to the Index of Evidence as well as any other documentation previously withheld that is required to provide a complete record.

FEDJA ROCHLING, M.D.
Plaintiff,

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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